

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36643

STATE OF IDAHO,)	2010 Unpublished Opinion No. 433
)	
Plaintiff-Respondent,)	Filed: April 19, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
RONALD J. ESTA,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Stephen S. Dunn, District Judge.

Order revoking probation and reinstating previously suspended unified three-year sentence, with a determinate term of one and a half years, for drawing a check without funds, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Ronald J. Esta pled guilty to drawing a check without funds, I.C. § 18-3106(a), and the district court imposed a unified three-year sentence with a determinate term of one and a half years. The court suspended the sentence and placed Esta on probation. Esta violated the terms of his probation numerous times, participated in the retained jurisdiction program, and was continued on probation. Ultimately, Esta's probation was revoked and the suspended sentence ordered into execution. On appeal, Esta does not challenge the district court's decision to revoke probation, but argues only that this sentence is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Esta's previously suspended sentence is affirmed.